

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WHOLESALE, INC.,

Plaintiff,

v.

Case Number 17-13306

Honorable David M. Lawson

7 AUTO SALES HP, LLC, GEORGE
SINAWI, and JEREMY ZEMACH,

Defendant.

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ORDER GRANTING MOTION TO WITHDRAW

This matter is before the Court on a motion by attorney Michael B. Skinner for leave to withdraw his appearance as counsel of record for defendants 7 Auto Sales HP, LLC and George Sinawi. The Court held a hearing on the motion on February 21, 2018, at which counsel for the parties appeared. Attorney Skinner indicated at the hearing that he had delivered copies of the motion and the Court's orders to Mr. Sinawi via email and SMS text messaging. He also had discussed the substance of the motion with Mr. Sinawi and advised him of the date and time for the hearing, and that he was required to attend in person. However, Mr. Sinawi did not appear or submit any papers in response to the motion. At the end of the hearing the Court announced from the bench its decision to grant the motion to withdraw. The Court also discussed scheduling deadlines for the case on the record, and a scheduling order separately will issue. However, the Court briefly will stay the proceedings as to defendants 7 Auto Sales and Sinawi only, to allow Mr. Sinawi some time to secure new counsel to represent himself and his LLC, if he so desires.

The Court advises Mr. Sinawi that if he fails adequately to comply with the orders of the Court, including the scheduling order, or fails to meet other obligations to act in the case, such as answering discovery requests propounded by other parties, then he could be in peril of having a

default entered against him, and case terminating sanctions including entry of a default judgment also may be imposed by the Court. Fed. R. Civ. P. 16(f)(1) (“On motion or on its own, the court may issue any just orders, including those authorized by Rule 37(b)(2)(A)(ii)-(vii), if a party or its attorney: (A) fails to appear at a scheduling or other pretrial conference; (B) is substantially unprepared to participate — or does not participate in good faith — in the conference; or (C) fails to obey a scheduling or other pretrial order.”).

The Court further advises Mr. Sinawi that if he does not promptly secure new counsel to appear on behalf of 7 Auto Sales, HP, LLC, then that entity will be regarded as unrepresented and may not proceed in any capacity before the Court. *In re 69 N. Franklin Turnpike, LLC*, 693 F. App’x 141, 144 (3d Cir. 2017) (“It is well established that a corporate entity such as a limited liability company may not proceed *pro se* and must be represented by legal counsel.”) (citing *Rowland v. California Men’s Colony, Unit II Men’s Advisory Council*, 506 U.S. 194, 201-02 (1993)). Because it would be deemed unable to act or proceed in any legal capacity before the Court without counsel, the LLC also would be in peril of being found in default and having case terminating sanctions imposed against it, including a default judgment.

Accordingly, it is **ORDERED** that the motion to withdraw by attorney Michael B. Skinner is **GRANTED** for the reasons stated on the record, attorney Skinner’s appearance as counsel of record for defendants George Sinawi and 7 Auto Sales HP, LLC is **TERMINATED**, and attorney Skinner is discharged from any further responsibility to the Court in this matter.

It is further **ORDERED** that attorney Skinner shall deliver a copy of this order to George Sinawi by any means reasonably calculated to give Mr. Sinawi actual notice of the order, which may

include by text message, email, or postal mail, as long as a complete and fully legible copy of the order is included by one or more of the means of delivery.

It is further **ORDERED** that the Clerk of Court shall amend the docket to indicate that defendant George Sinawi is proceeding *pro se*, and to reflect his contact information as follows: George Sinawi, 6265 Royal Pointe Drive, West Bloomfield, MI 48322, Phone: (248) 207-2300, Email: george_sinawi@hotmail.com.

It is further **ORDERED** that all proceedings in this matter as to defendants George Sinawi and 7 Auto Sales HP, LLC **ONLY** are **STAYED** until **March 23, 2018** to allow time for those defendants to secure new counsel and for any new attorney retained by them to enter an appearance in the case on their behalf. If no new counsel has appeared on the defendants' behalf by that date, then defendant George Sinawi shall proceed with the case *pro se*, and defendant 7 Auto Sales HP, LLC shall be regarded as unrepresented.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: February 23, 2018

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on February 23, 2018.

s/Susan Pinkowski
SUSAN PINKOWSKI